

THE LEGAL ADVISER
DEPARTMENT OF STATE
WASHINGTON

October 26, 1962



SECRET

MEMORANDUM FOR THE UNDER SECRETARY

FROM: L - Abram Chayes *AC*

SUBJECT: Addition of POL to Quarantine List

I understand that the issue of adding POL to the quarantine list is being discussed at the Executive Committee session this morning. The following two comments may be relevant:

1. The addition of POL to the list is one of the few acceptable forms of escalation available to us. It is, therefore, very important that the timing be right. Today, Stevenson is meeting U Thant in New York. It is usually best not to alter the rules of the game just as negotiations are opening. Moreover, if these reach a stalemate within a couple of days, as is quite likely, there will be a real need for additional pressure.

2. A second question arises. The shipping orders which we propose to issue today provide that all ships of a country whose vessels carry arms to Cuba are to be barred from United States ports. In addition, the provision operates directly to bar all ships of any country whose vessels violate the quarantine regulations. Even if we were to eliminate this latter provision, the definition of "arms" can hardly be narrower than the quarantine list. Under the circumstances, if we add POL, we might be faced with the prospect of excluding all British or other West European flag vessels from United States ports. This may raise new issues about the advisability of adopting this entire portion of the shipping orders. This is especially so since the provision was largely symbolic. Soviet vessels are in general barred from United States ports under port security regulations.

L:ACHayes:kfr

DEPARTMENT OF STATE A/CDC/MB

REVIEWED BY *[Signature]*

DATE *2/16/88*

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